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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/517,538
Filing Date: December 10, 2004
Appellant(s): DUPUY ET AL.

Michael J. Ure
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 6, 2008 appealing from the Office action mailed November 30, 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0019698 A1	Vilppula et al.	2-2002
6,002,936	Roel-Ng et al.	12-1999
7,076,256 B1	Orler et al.	7-2006
6,256,498 B1	Ludwig	7-2001

2003/0013458 A1 Yabe et al. 1-2003

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. **Claims 1-4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vilppula et al. (US 2002/0019698 A1)** in view of **Roel-Ng et al. (US 6,002,936)**, and in further view of **Orler et al. (US 7,076,256 B1)**.

Consider **claim 1**, Vilppula et al. clearly show and disclose a method for position determination in which one or more application (**201**, **202**) requests a positioning method selection device (**204**), reading on the claimed "mobile equipment," for positioning data. The positioning method selection device provides an application with positioning data using one or more **positioning**

methods (**205** to **209**), reading on the claimed "***position determination device***," in accordance with settings defined by the application and/or the user, reading on the claimed "method for generating position information in a mobile equipment provided with at least two position determination devices," (abstract and figure 2), the method comprising the following steps: maintaining a centralized register on at least one positioning property of said one or more positioning method, reading on the claimed "allocating to each position determination device at least one stored parameter value," (paragraph 15), applications defining parameters relating to the positioning data requested, such as a required accuracy or the type and format of the positioning data, reading on the claimed "determining a context information," (paragraph 44), automatically determining the best possible positioning method available for use by the terminal's applications, based on requirements specifying the quality of service (Quality of Positioning, QoP) defined by the user or the application, without having to know the behavior of the available positioning methods under different conditions, reading on the claimed "depending on the context information, choosing a corresponding position determination device selection process based on the value of said at least one parameter for each position determination device," (paragraph 7), and selecting a positioning method for use that fulfils at least one specified condition for selecting a positioning method, reading on the claimed "selecting a position determination device according to the chosen selection process," (paragraph 18).

However, Vilppula et al. do not specifically disclose that activating said selected position determination device, and determining context information, including whether a user is in transit, on foot, or indoors.

In the same field of endeavor, Roel-Ng et al. clearly show and disclose when a Requesting Application (RA) **380** sends a positioning request for a particular mobile station (MS) **300** to a Mobile Positioning Center (MPC) **370**, the RA can also include quality of service information, such as data rate and/or reliability of the positioning information returned by the cellular network (MPC) performing the positioning, reading on the claimed "context information," (abstract, col. 4 lines 41-49, figure 3). When a positioning request comes in to the MPC, it must then determine the optimum positioning method, reading on the claimed "position determination device," based upon the available network-based and terminal-based positioning methods and the quality of service requested by the RA, reading on the claimed "depending on the context information, choosing a corresponding position determination device selection process based on the value of said at least one parameter for each position determination device," (col. 5 lines 33-38). Once the positioning method has been chosen, the positioning request, along with the positioning method, is sent to the serving MSC/VLR **350**, which then forwards the positioning requests to a serving Base Station Controller (BSC) **340**. If the MS is idle mode, the serving MSC/VLR must page the MS and setup a call prior to forwarding the request to the BSC, reading on the claimed "activating said selected position determination device," (col. 5 lines 38-46). If

the positioning method is a terminal-based positioning method, the BSC sends the positioning request to the MS collects the positioning data, and if the MS has calculation abilities, the MS determines its location, reading on the claimed "method for generating position information in a mobile equipment," (col. 5 lines 56-61).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to page or setup a call to the mobile station in order to activate the terminal-based positioning method as taught by Roel-Ng et al. in the method Vilppula et al., in order to successfully determine the position of a terminal device.

However, Vilppula et al., as modified by Roel-Ng, do not specifically disclose that determining context information, including whether a user is in transit, on foot, or indoors.

In the same field of endeavor, Orler et al. clearly show and disclose a GPS system can be used in an autonomous mode, for example, when the GPS receiver is receiving a strong signal, has recent ephemeris or almanac data, or when an exact position is not required. However, if the GPS system is not receiving a strong enough GPS signal, e.g., the handheld cellular device is being used ***indoors***, the GPS system can switch to a different mode of operation, e.g., a mode of operation where the cellular system helps or "aids" the GPS system to acquire, track, and/or navigate using the GPS signals received by the GPS receiver and additional position information supplied by the cellular system. This

mode of operation is called a "network-aided" mode. The position information includes measurements made by the communication network that assist in the determination of the position of the handset, reading on the claimed “context information, including whether a user is in transit, on foot, or indoors,” (abstract, col. 3 line 60- col. 4 line 16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a different positioning mode when a device is indoor or outdoor as taught by Orler et al. in the method Vilppula et al., as modified by Roel-Ng et al., in order to successfully determine the position of a terminal device.

Consider **claim 2**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., disclose the claimed invention **as applied to claim 1 above**, and in addition, Vilppula et al. further disclose parameters describing the quality of the positioning data provided by positioning method x is stored in register **115**, where x indicates the positioning method in use and is an integer between 1 and the number of available positioning methods, reading on the claimed “at least two stored parameter values are allocated to each position determination device,” (paragraph 48).

Consider **claim 3**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., disclose the claimed invention **as applied to claim 2 above**, and in addition, Vilppula et al. further disclose parameters describing the quality of the positioning data (Quality of Position QoP), such as the positioning

accuracy requested by application n, is stored in a register **114**, reading on the claimed "stored parameter values include at least one among an accuracy value, a response time value and a power consumption value," (paragraph 47).

Consider **claim 4**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., disclose the claimed invention **as applied to claim 3 above**, and in addition, Vilppula et al. further disclose that a user can define parameters relating to position determination directly to the PMSD through the user interface instead of giving definitions separately to each application. The user can define, for example, the accuracy with which applications receive positioning data or which positioning method the user prefers to use as the first-choice positioning method, reading on the claimed "ranking the position determination devices depending on the chosen selection process," (paragraph 56) and the PMSD makes use of its monitoring capability to select the best possible positioning method for each of the sequence of requests, reading on the claimed "selecting an available position determination device of best rank," (paragraph 53).

3. **Claims 6-9** are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Vilppula et al. (US 2002/0019698 A1)** and **Roel-Ng et al. (US 6,002,936)** in view of **Orler et al. (US 7,076,256 B1)**, and in further view of **Ludwig (US 6,256,498 B1)**.

Consider **claim 6**, and **as applied to claim 1 above**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., clearly show and disclose the claimed invention except that position data include physical position data and logic position data.

In the same field of endeavor, Ludwig clearly shows and discloses cell IDs or base station identity codes received and selected by the mobile station MS are transferred as location data to the mobile device on request therefrom. A WWW application running on the mobile device MD includes all cell IDs or base station identity codes into an appropriate request written in hypertext transmission protocol HTTP. This HTTP request is then transferred to a WWW server (abstract, col. 8 lines 7-15). The actual estimation of the geometrical location necessary to provide location dependent WWW services is carried out within the WWW server. The mapping table **18** comprises a correspondence between *cell IDs or base station identity codes BSCI* (***logic position data***) and exact *geographical positions in terms of latitude and longitude* (***physical position data***) of respective cells and base station sub-systems. Therefore, once the cell IDs or base station identity codes BSCI are available within the WWW server, the geometrical location of the mobile station MS is calculated, reading on the claimed "position data include physical position data and logic position data," (col. 8 lines 42-60).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to correspond cell IDs and geographical

positions as taught by Ludwig in the method of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., in order to obtain location-related information.

Consider **claim 7**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al. and Ludwig, disclose the claimed invention **as applied to claim 6 above**, and in addition, Vilppula et al. further disclose that the conditions set by the user relating to selection of a positioning method can also comprise the desired accuracy of the requested positioning data (e.g. longitudes, latitudes, distance from a given point), reading on the claimed "physical position data include Cartesian coordinates and longitude/latitude," (paragraph 9).

Consider **claim 8**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al. and Ludwig, disclose the claimed invention **as applied to claim 6 above**, and in addition, Ludwig further discloses that a WWW application running on the mobile device MD includes all cell IDs or base station identity codes into an appropriate request written in hypertext transmission protocol HTTP, reading on the claimed "logic position data include radiofrequency beacon identifiers," (col. 8 lines 14-15).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include cell IDs as taught by Ludwig in the method of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., in order to obtain location-related information.

Consider **claim 9**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al. and Ludwig, disclose the claimed invention **as applied to**

claim 8 above, and in addition, Ludwig further discloses that the mapping table **18** comprises a correspondence between *cell IDs or base station identity codes BSCI* (***logic position data***) and exact *geographical positions in terms of latitude and longitude* (***physical position data***) of respective cells and base station sub-systems. Therefore, once the cell IDs or base station identity codes BSCI are available within the WWW server, the geometrical location of the mobile station MS is calculated, reading on the claimed "conversion step comprises reading from a table physical coordinates corresponding to at least one beacon identifier," (col. 8 lines 42-60).

4. **Claims 10, 11, 13 and 15-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vilppula et al. (US 2002/0019698 A1)** in view of **Orler et al. (US 7,076,256 B1)**.

Consider **claim 10**, Vilppula et al. clearly show and disclose positioning methods, reading on the claimed "position determination devices," are connected to the positioning method selection device (PMSD) through an interface **110**. The interface can comprise, for example, a serial port or the like for the connection of an external positioning method, as well as interfaces for positioning methods integrated in the terminal and, for example, for positioning-related services provided by a mobile communication network, reading on the claimed "mobile equipment having data processing capabilities, comprising: at least two position determination devices each capable of delivering position information of the

mobile equipment in a specific format," (paragraph 45), parameter (or parameters) describing the quality of the positioning data provided by positioning method x is stored in register **115**, reading on the claimed "driver," where x indicates the positioning method in use and is an integer between 1 and the number of available positioning methods, and the value of the parameter (or parameters) describing the quality actually achieved by the positioning data provided by method x is stored in register **117**, reading on the claimed "driver," when said positioning method returns the positioning data requested by application n to the PMSD, reading on the claimed "at least two drivers for said position determination devices, each driver being capable of storing and retrieving at least one parameter associated with the position determination device," (paragraphs 48 and 50), and control means **111** to **113** control the operation of the various functional blocks of the PMSD as well as data transmission between them. The control means comprise a controller **111**, which can be implemented, for example, as a microprocessor or equivalent means for controlling the functions of the PMSD. The control means further comprise a random access memory **112**; as well as a permanent memory **113** for storing commands required for the control of the PMSD functions. Parameters describing the quality of the positioning data provided by positioning method x is stored in register **115**. The user can define parameters, which represent conditions on the basis of which a positioning method to be used is selected, through user interface **307**. Said conditions can comprise, for instance, the

positioning methods the user allows to be used by certain applications at a given time and the order in which the user prefers the positioning methods to be used. The parameters provided by the user are stored (ref. 310) in register **308**, from which the PMSD can retrieve them (ref. 312), reading on the claimed "a location handling unit in communication with said drivers and capable of communicating with an application for providing position information, said location handling unit being capable of selecting a position determination device to be used for obtaining position information based on a context information and on the values of said parameters stored in the drivers wherein each driver is capable of storing and retrieving at least two different parameters and said location handling unit is adapted to receive a context message from said application and a priority of parameters is established as a function of said context message," (paragraphs 46, 48, 57).

However, Vilppula et al. do not specifically disclose determining context information, including whether a user is in transit, on foot, or indoors.

In the same field of endeavor, Orler et al. clearly show and disclose a GPS system can be used in an autonomous mode, for example, when the GPS receiver is receiving a strong signal, has recent ephemeris or almanac data, or when an exact position is not required. However, if the GPS system is not receiving a strong enough GPS signal, e.g., the handheld cellular device is being used indoors, the GPS system can switch to a different mode of operation, e.g., a mode of operation where the cellular system helps or "aids" the GPS system to

acquire, track, and/or navigate using the GPS signals received by the GPS receiver and additional position information supplied by the cellular system. This mode of operation is called a "network-aided" mode. The position information includes measurements made by the communication network that assist in the determination of the position of the handset, reading on the claimed “context information, including whether a user is in transit, on foot, or indoors,” (abstract, col. 3 line 60- col. 4 line 16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a different positioning mode when a device is indoor or outdoor as taught by Orler et al. in the method Vilppula et al., in order to successfully determine the position of a terminal device.

Consider **claim 11**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention **as applied to claim 10 above**, and in addition, Orler et al. further disclose that the GPS system can be used in an autonomous mode, for example, when the GPS receiver is receiving a strong signal. However, if the GPS system is not receiving a strong enough GPS signal, the GPS system can switch to a different mode of operation, e.g., a mode of operation where the cellular system helps or "aids" the GPS system to acquire, track, and/or navigate using the GPS signals received by the GPS receiver, reading on the claimed “position determination devices are selected from the group comprising cell-based positioning devices, satellite-based positioning devices and beacon-based positioning devices,” (col. 3 line 60- col. 4 line 16).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a different positioning modes (GPS and/or cellular) when a device is indoor or outdoor as taught by Orler et al. in the method Vilppula et al., in order to successfully determine the position of a terminal device.

Consider **claim 13**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention **as applied to claim 10 above**, and in addition, Vilppula et al. further disclose parameters describing the quality of the positioning data (Quality of Position QoP), such as the positioning accuracy requested by application n, is stored in a register **114**, reading on the claimed "stored parameter values include at least one among an accuracy value, a response time value and a power consumption value," (paragraph 47).

Consider **claim 15**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention **as applied to claim 10 above**, and in addition, Vilppula et al. further disclose that the user can define conditions relating to the positioning methods, such as an order of preference and whether the user wishes a certain positioning method to be available for use or removed from use, directly to the PMSD, reading on the claimed "location handling unit comprises a ranking means capable of storing a set of position determination devices with a preference order according to the parameter(s) of higher priority," (paragraph 33).

Consider **claim 16**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention **as applied to claim 15 above**, and in addition, Vilppula et al. further disclose that the PMSD knows the number of positioning methods available at any given time and their operating state at that time (e.g. in use/not in use) as well as their performance under the prevailing conditions. The highest priority positioning method in the order of preference defined by the user and/or application is examined. The PMSD can monitor the number of available positioning methods and the operating state of each positioning method, or each method can be used in turn and, if a certain positioning method is not available at a particular moment, the next positioning method is selected for use, reading on the claimed "location handling unit comprises an availability checking means for checking whether a preferred position determination device in said set is available or not and, in the negative, for checking the next preferred position determination device," (paragraphs 8, 61).

Consider **claim 17**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention **as applied to claim 10 above**, and in addition, Vilppula et al. further disclose that the PMSD may access previously stored positioning data obtained from any appropriate positioning method and combine that with newly received positioning data. In this embodiment, it is advantageous to associate a time-stamp with each positioning request, so that the most recently obtained positioning results can be selected for combination. A

period of validity may also be defined for the positioning data, such that stored positioning data is deleted once its period of validity expires, reading on the claimed "location handling unit is capable of providing to said application position data together with accuracy information relating to said data," (paragraph 55).

5. **Claims 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Vilppula et al. (US 2002/0019698 A1)** in view of **Orler et al. (US 7,076,256 B1)**, and in further view of **Yabe et al. (US 2003/0013458 A1)**.

Consider **claim 18**, and **as applied to claim 10**, Vilppula et al., as modified by Orler et al., clearly show and disclose the claimed invention except a position data conversion unit in communication with said location handling unit.

In the same field of endeavor, Yabe et al. clearly show and disclose a Subscriber information management unit GWS2 stores and manages information relating to a subscriber of a packet communication service using mobile packet communication network MPN. System control unit GWS1, upon receiving a GET request from mobile station MS in mobile packet communication network MPN, carries out a search for a URL included in the GET request (paragraph 43). In the case that a GET request of HTTP transmitted from mobile station MS includes a URL of each submenu item of "location-related information service", data distribution management unit GWS3 extracts the base station ID which base station BS adds to the GET request. Data distribution management unit GWS3 extracts location-related information including the area name read out from

location-related information database GWS4 and distributes the information to mobile station MS. A data format of location-related information to be stored in location-related information database GWS4 can take an arbitrary form, but data transmitted from gateway server GWS to mobile station MS must be HTML data. Thus, in the case that the data format of location-related information is not in an HTML format, a conversion of the data format is performed by gateway server GWS, reading on the claimed "position data conversion unit in communication with said location handling unit," (paragraph 50 and 51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert location data into a format for the mobile station as taught by Yabe et al. in the method Vilppula et al., as modified by Orler et al., in order to obtain location-related information.

Consider **claim 19**, the combination of Vilppula et al. and Orler et al., as modified by Yabe et al., clearly show and disclose the claimed invention **as applied to claim 18 above**, and in addition, Yabe et al. further disclose that a data format of location-related information to be stored in location-related information database GWS4 can take an arbitrary form, but data transmitted from gateway server GWS to mobile station MS must be HTML data, reading on the claimed "location handling unit is responsive to data format requirement information provided by the application for requesting conversion by said position data conversion unit," (paragraph 51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert location data into a format for the mobile station as taught by Yabe et al. in the method Vilppula et al., as modified by Orler et al., in order to successfully determine the position of a terminal device.

Consider **claim 20**, the combination of Vilppula et al. and Orler et al., as modified by Yabe et al., clearly show and disclose the claimed invention **as applied to claim 19 above**, and in addition, Vilppula et al. further disclose that the PMSD may access previously stored positioning data obtained from any appropriate positioning method and combine that with newly received positioning data. In this embodiment, it is advantageous to associate a time-stamp with each positioning request, so that the most recently obtained positioning results can be selected for combination. A period of validity may also be defined for the positioning data, such that stored positioning data is deleted once its period of validity expires, reading on the claimed "position history unit capable of storing a plurality of position data together with time/date information," (paragraph 55).

6. **Claim 21** is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of **Vilppula et al. (US 2002/0019698 A1)** and **Roel-Ng et al. (US 6,002,936)**, in view of **Orler et al. (US 7,076,256 B1)**, and in further view of **Yabe et al. (US 2003/0013458 A1)**.

Consider **claim 21**, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., disclose the claimed invention **as applied to claim 1 above**, and in addition, Vilppula et al. further disclose the PMSD knows the number of positioning methods available at any given time and their operating state at that time (e.g. in use/not in use) as well as their performance under the prevailing conditions. The application (or applications) form the parameter value or values indicating the quality of the positioning required, and send it (them) to the PMSD, whereupon the PMSD is able to select the most suitable positioning method to provide the positioning data on the basis of the received parameter (or parameters) and provides the positioning data to the application (or applications) in the correct format, i.e. in a format requested by the application, reading on the claimed "identifying a position data format as requested by an application, determining whether a currently active position determination device supplies data according to this format," (paragraphs 8, 31).

However, the combination of Vilppula et al. and Roel-Ng et al., as modified by Orler et al., fail to specifically teach converting the position data supplied by the currently active position determination device into the requested position data format.

In the same field of endeavor, Yabe et al. clearly show and disclose a Subscriber information management unit GWS2 stores and manages information relating to a subscriber of a packet communication service using mobile packet communication network MPN. System control unit GWS1, upon receiving a GET

request from mobile station MS in mobile packet communication network MPN, carries out a search for a URL included in the GET request (paragraph 43). In the case that a GET request of HTTP transmitted from mobile station MS includes a URL of each submenu item of "location-related information service", data distribution management unit GWS3 extracts the base station ID which base station BS adds to the GET request. Data distribution management unit GWS3 extracts location-related information including the area name read out from location-related information database GWS4 and distributes the information to mobile station MS. A data format of location-related information to be stored in location-related information database GWS4 can take an arbitrary form, but data transmitted from gateway server GWS to mobile station MS must be HTML data. Thus, in the case that the data format of location-related information is not in an HTML format, a conversion of the data format is performed by gateway server GWS, reading on the claimed “converting the position data supplied by the currently active position determination device into the requested position data format,” (paragraph 50 and 51).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to convert location data into a format for the mobile station as taught by Yabe et al. in the method Vilppula et al. and Roel-Ng, as modified by Orler et al., in order to obtain location-related information.

(10) Response to Argument

Appellants basically argue that the Vilppula reference fail to teach or suggest "determining context information, including whether a user is in transit, on foot or indoors", as recited in claim 1, and nor does the rejection make any attempt to show that Vilppula et al. or any supporting references teaches or suggest the preceding limitation.

Examiner respectfully disagrees, because Orler et al., not Vilppula et al. is used to teach this limitation. Orler et al. clearly teaches a position of a cellular device that is being used is determined with regards to it being indoors instead of outdoors based on the strength of the GPS signal. The GPS receiver in the device has limited ability to acquire GS signals while indoors, because of obstructions. If the GPS signal is strong, then an autonomous mode for location determination is used. If the GPS signal is weak, it is determined that the handheld device is used indoors, reading on the claimed "determining context information, including whether a user is in transit, on foot or indoors" (col. 3 lines 40-67, col. 7 line 55- col. 8 line 1), then a cellular system aided mode is used.

Appellants basically argue that the Vilppula reference teach or suggest "selecting a position determination device used for obtaining position information based on context information, including whether a user is in transit, on foot or indoors", as recited in claim 10, and nor does the rejection make any attempt to show that Vilppula et al. or any supporting references teaches or suggest the preceding limitation.

With regards to the preceding arguments, Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.,* 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The Vilppula reference clearly teaches selecting a position determination device to be used for obtaining position information based on a context information (a positioning method selection device [*mobile equipment*] includes interfaces for positioning methods integrated in the terminal; user can define parameters [*context information*], which represent conditions on the basis of which a positioning method [*positioning determination device*] to be used is selected [paragraphs 43, 57]). Vilppula et al. is modified by Orler et al. to teach that the context information includes whether a user is in transit, on foot or indoors. Orler et al. clearly teaches a position of a cellular device that is being used is determined with regards to it being indoors instead of outdoors based on the strength of the GPS signal. The GPS receiver in the device has limited ability to acquire GS signals while indoors, because of obstructions. If the GPS signal is strong, then an autonomous mode for location determination is used. If the GPS signal is weak, it is determined that the handheld device is used indoors, reading on the claimed “determining context information, including whether a user is in transit, on foot or

indoors" (col. 3 lines 40-67, col. 7 line 55- col. 8 line 1), then a cellular system aided mode is used.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jaime M Holliday/
Examiner, Art Unit 2617

Conferees:

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617